



164572

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 CHESTNUT BUILDING
PHILADELPHIA, PENNSYLVANIA 19107**

Mr. Charles J. Kulp
Supervisor
U.S. Fish and Wildlife Service
Suite 322
315 South Allen Street
State College, PA 16801

MAY 7 1991

Re: PCB Cleanup Levels; NVF Superfund Removal Site

Dear Mr. Kulp:

Recently we received the results of an evaluation performed by the Biological Technical Assistance Group ("BTAG") regarding the appropriateness of the cleanup levels applied to the although NVF Site Removal Actions. BTAG examined data collected at the Site and determined that the cleanup levels may have indeed been protective of human health, however, as you suggested in your September 1, 1989 letter to April 17, 1991 to me, the remaining PCB contamination levels may pose a potential risk to the environment.

At the time EPA issued the Administrative Order to the NVF Company, Region III did not have a region-specific policy regarding cleanup of PCBs in sediments. The most stringent and most well defined cleanup standard available for PCBs in any media was the newly adopted PCB Spill Cleanup Policy. Although the Policy was not applicable to this particular situation it was the most stringent PCB cleanup criteria identified at the time. Your September, 1989 letter implies that the action level for implementing cleanup of sediments that should have been implemented should instead be less than the 0.28 ppm threshold level established by EPA's Office of Water 1985 report entitled "National Perspective on Sediment Quality". You go on to assert that a cleanup level of 0.1 ppm is reasonable as a preliminary target.

As you are aware, the Removal Program is traditionally utilized to stabilize the sources of contamination at those emergency sites which require immediate attention. To date, the actions that we have taken at the NVF site have clearly been taken to meet this goal. Our first Order with NVF required that the company identify the PCB contamination on their property and then take appropriate cleanup actions. As you know, we followed up those actions by issuing the March 31, 1988 Order for cleanup of the swale and unnamed tributary. Furthermore, to supplement these actions, EPA anticipates taking additional actions at the Site by addressing the remaining PCB contamination in the drainage ditch while investigating the feasibility of instituting source control measures in the unnamed tributary.

Although we do agree that a more stringent cleanup level may be necessary to ensure long-term protection of aquatic life in the Red Clay Creek watershed, a more

AR100842

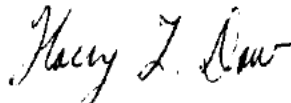
stringent cleanup level, than those originally applied, go far beyond the scope of the Removal Program and are more appropriately addressed through any future remedial actions that may be contemplated for this Site.

Additionally, to put in proper perspective the circumstances in which the cleanup level was selected for use at this Site, it is necessary to recognize that traditionally, removal authorities under CERCLA were and continue to be used primarily to address threats to human health. Although, Sections 104 and 106 of CERCLA authorizes EPA to implement or require response actions for environmental threats, typical program practice and resource limitations effectively limited removal response actions to those situations which pose the greatest threat to human health.

Therefore, upon examination of the most recently documented information regarding of contamination identified at the Site, EPA Region III believes that there is not sufficient levels of contamination present to warrant any additional removal action at this time other than that proposed for the drainage ditch. EPA will also, however, continue actions to further consider whether the Site should be included on the NPL thereby assuring further study and quite possibly additional long-term cleanup actions.

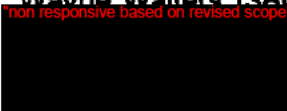
If you have any questions regarding this issue please feel free to contact me at (215) 597-6678.

Sincerely,



Harry T. Daw, On-Scene Coordinator
Removal Enforcement Section [3HW33]

cc: Margaret Passmore [3ES11]
Wayne Walters [3BC21]

non responsive based on revised scope


AR100843